



# City of NORFOLK

C: Dir., Department of Planning and Community Development

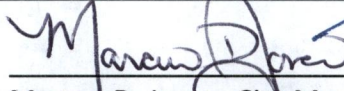
To the Honorable Council  
City of Norfolk, Virginia

April 8, 2014

From: George M. Homewood, AICP CFM, Planning Director

Subject: **Amend a Special Exception for an Entertainment Establishment with alcohol**

Reviewed: Ronald H. Williams, Jr., Assistant City Manager **Ward/Superward: 2/6**

Approved:   
Marcus D. Jones, City Manager **Item Number: R-2**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **5 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Amend a Special Exception for an Entertainment Establishment with alcoholic beverages.
- IV. **Applicant:** Smartmouth Brewing – 1309 Raleigh Avenue
- V. **Description**  
The application would allow, Smartmouth Brewery to add new managers, to expand seating, expand operating days for outdoor entertainment and expand starting hours for on-premises alcohol sales.

	Current	Proposed
Hours of Operation (brewery on-site)	7:00 a.m. until 2:00 a.m., seven days a week	Same
Hours for the Sale of Alcohol (on-premises sales)	11:00 a.m. until 2:00 a.m., seven days a week	9:00 a.m. until 2:00 a.m., seven days a week
Hours for Entertainment (Indoors)	11:00 a.m. until 2:00 a.m., seven days a week	Same
Hours for Entertainment (Outdoors)	4:00 p.m. until 11:00 p.m., Friday 11:00 a.m. until 11:00 p.m., Saturday and Sunday	4:00 p.m. until 8:00 p.m., Monday through Thursday 4:00 p.m. until 11:00 p.m., Friday 11:00 a.m. until 11:00 p.m., Saturday and Sunday
Seating Capacity	40 seats indoor 70 seats outdoor 299 total capacity	74 seats indoor 76 seats outdoor 299 total capacity
Entertainment	5 member live band, Karaoke, Open Microphone, Poetry Reading, Comedian	Same

Staff point of contact: Matthew Simons at 664-4750, [matthew.simons@norfolk.gov](mailto:matthew.simons@norfolk.gov)

**Attachments:**

- Staff Report to CPC dated March 27, 2014 with attachments
- Proponents and Opponents
- Ordinance



# City of NORFOLK

To the City Planning Commission  
City of Norfolk, Virginia

March 27, 2014

From: Matthew Simons, CFM *MS*  
City Planner II

**Subject:** To amend a previously granted Special Exception for an Entertainment Establishment with alcoholic beverages at 1309 Raleigh Avenue – Smartmouth Brewing

Reviewed: Leonard M. Newcomb, III, CFM *LMN*  
Land Use Services Manager

**Ward/Superward:** 2/6

Approved: *[Signature]*  
George M. Homewood, AICP, CFM  
Planning Director

**Item Number:** 9

- I. **Recommendation:** Staff recommends approval, considering compliance with *Zoning Ordinance* requirements and consistency with approved plans.
- II. **Applicant:** Smartmouth Brewing  
1309 Raleigh Avenue
- III. **Description:** The application would allow, Smartmouth Brewery to add new managers, to expand seating, expand operating days for outdoor entertainment and expand starting hours for on-premises alcohol sales.
- IV. **Analysis:** The site is located on the south side of Raleigh Avenue to the west of Orapax Avenue within the Chelsea Business District.

Plan Analysis

- The proposed amendment to the Special Exception is consistent with *plaNorfolk2030*, which designates this site as Commercial.

Zoning Analysis

- The site is located in an I-1 (Limited Industrial) district which permits Entertainment Establishments by Special Exception.

	Current	Proposed
Hours of Operation (brewery on-site)	7:00 a.m. until 2:00 a.m., seven days a week	Same
Hours for the Sale of Alcohol (on-premises sales)	11:00 a.m. until 2:00 a.m., seven days a week	9:00 a.m. until 2:00 a.m., seven days a week
Hours for Entertainment (Indoors)	11:00 a.m. until 2:00 a.m., seven days a week	Same
Hours for Entertainment (Outdoors)	4:00 p.m. until 11:00 p.m., Friday 11:00 a.m. until 11:00 p.m., Saturday and Sunday	4:00 p.m. until 8:00 p.m., Monday through Thursday 4:00 p.m. until 11:00 p.m., Friday 11:00 a.m. until 11:00 p.m., Saturday and Sunday
Seating Capacity	40 seats indoor 70 seats outdoor 299 total capacity	74 seats indoor 76 seats outdoor 299 total capacity
Entertainment	<ul style="list-style-type: none"> <li>• 5 member live band</li> <li>• Karaoke</li> <li>• Open Microphone</li> <li>• Poetry Reading</li> <li>• Comedian</li> </ul>	Same

## Special Exception history:

City Council Approval	Applicant	Changes
September 2011	Full Boar Brewing by Porter Hardy	<u>Initial application</u> <ul style="list-style-type: none"> <li>• ABC off-premise only</li> </ul>
September 2012	Smartmouth Brewing by Christine Neikirk	<ul style="list-style-type: none"> <li>• Increased hours for ABC off-premise</li> <li>• Added Entertainment and ABC on-premise</li> <li>• Off-Lot Parking</li> </ul>
December 2012	Smartmouth Brewing by Christine Neikirk	<ul style="list-style-type: none"> <li>• Adding managers</li> <li>• Adding 3 new floor plans</li> </ul>
May 2013	Smartmouth Brewing by Christine Neikirk	<ul style="list-style-type: none"> <li>• Adding managers</li> <li>• Adding 6 new floor plans</li> <li>• Increasing occupancy</li> <li>• Adding 32 ounce growlers</li> </ul>
August 2013	Smartmouth Brewing by Christine Neikirk	<ul style="list-style-type: none"> <li>• Adding managers</li> <li>• Eliminating 13 floor plans</li> <li>• Adding 1 new floor plan</li> </ul>

Pending	Smartmouth Brewing by Christine Neikirk	<ul style="list-style-type: none"> <li>• Adding managers</li> <li>• Expanding seating</li> <li>• Expanding days available for outdoor entertainment</li> <li>• Expanding hours for on-premises alcohol sales</li> </ul>
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Traffic Analysis

- Institute of Transportation Engineers (ITE) figures calculate forecast travel for restaurants based upon the total seating of an establishment.
  - ITE figures estimate that this restaurant will generate 164 additional vehicle trips per day by adding 34 indoor seats at this location above currently approved totals.

**V. Financial Impact**

The applicant is current on all taxes.

**VI. Environmental**

- Including the off-lot parking that was previously approved by Special Exception, adequate parking is available.
- The proposed changes should not have an adverse impact on the surrounding uses.

**VII. Community Outreach/Notification**

- Legal notice was posted on the property on February 18.
- Letters were sent to the Chelsea Business Association and West Ghent Civic League on March 5.
- Letters were mailed to all property owners within 300 feet of the property on March 12.
- Notice was sent to the civic leagues by the Department of Communications on March 12.
- Legal notification was placed in *The Virginian-Pilot* on March 13 and 20.

**VIII. Coordination/Outreach**

This report has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

**Supporting Material from the Department of Planning and Community Development:**

- Proposed conditions
- Location Map
- Zoning Map
- ABC Uses Proximity Map
- Application
- Letter to the West Ghent Civic League
- Letter to the Chelsea Business Association



## **Proponents and Opponents**

### **Proponents**

Christine Neikirk – Applicant  
1309 Raleigh Avenue, Ste 300  
Norfolk, VA 23507

### **Opponents**

None

Form and Correctness Approved: 

By   
Office of the City Attorney

Contents Approved: 

By   
DEPT.

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO SMARTMOUTH BREWING CO., LLC AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT KNOWN AS "SMARTMOUTH BREWING CO." ON PROPERTY LOCATED AT 1309 RALEIGH AVENUE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Smartmouth Brewing Co., LLC, authorizing the operation of an entertainment establishment named "Smartmouth Brewing Co." on property located at 1309 Raleigh Avenue. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 203 feet, more or less, along the southern line of Raleigh Avenue, beginning 99 feet, more or less, from the western line of Orapax Street and extending westwardly; premises numbered 1309 Raleigh Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be from 7:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside the hours of operation listed herein shall be permitted.
- (b) The hours of operation for the sale of alcoholic beverages for on-premises consumption shall be from 9:00 a.m. until 2:00 a.m. the following morning, seven days per week.
- (c) The hours for entertainment provided indoors shall be from 11:00 a.m. until 2:00 a.m. the following morning, seven days per week.

- (d) The hours for entertainment provided outdoors or for any amplified sound provided outdoors shall be from 4:00 p.m. until 8:00 p.m. Monday through Thursday, from 4:00 p.m. until 11:00 p.m. on Friday, and from 11:00 a.m. until 11:00 p.m. on Saturday and Sunday.
- (e) The seating for the establishment shall not exceed 74 seats indoors, 76 seats outdoors, and the total occupant capacity, including employees, shall not exceed 299 people.
- (f) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (g) Entertainment shall be limited to live bands having no more than five (5) members, karaoke, poetry reading, comedians and open microphone. No other forms of entertainment are permitted.
- (h) There shall be no dancing and no dance floor provided.
- (i) The layout of the establishment shall adhere to the specifications of any of the floor plans attached hereto at "Exhibit B."
- (j) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

- (k) The establishment shall maintain a current, active business license at all times while in operation.
- (l) The establishment shall remain current on all food and beverage taxes and business personal property taxes which may become due while it is in operation.
- (m) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (n) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (o) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar.
- (p) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.



- (q) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (r) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

Notwithstanding anything to the contrary, the requirements of this subsection shall not apply to the following entities, who may lease or otherwise use the establishment for events that are permitted by and comply with this ordinance in all other respects:

- (1) Any federal, state, or local government or governmental agency;
- (2) Any party that receives a grant or other direct funding from a state or local government; and
- (3) Any party that is recognized as a charitable organization in good standing under § 501(c)(3) of the Internal Revenue Code of the United States Code at the time of the event.

Collectively, the parties identified in items 1, 2 and 3 above are defined as "Authorized Entities".

- (s) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected or any event held by an Authorized Entity which leases, lets, or uses the establishment.

- (t) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (u) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (v) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.
- (w) A binder or folder containing documentation relating to the operation of the facility shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the facility shall include copies of the following:
  - (1) This Special Exception;
  - (2) Any ABC license(s);
  - (3) Any occupancy permit(s);
  - (4) Certifications of all persons who work on the premises as a security guard;
  - (5) All fire code certifications, including alarm and sprinkler inspection records;
  - (6) Any health department permits;
  - (7) The emergency action plan required under the Fire Prevention Code;

- (8) The names, addresses, and phone numbers of all persons who manage or supervise the facility at any time;
- (9) The facility's designated driver program;
- (10) The facility's Security Plan.
- (x) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 225 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshall, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (y) The written security plan submitted to the City as part of the application for this Special Exception and on file with the Department of Planning shall remain in full force and effect at all times while the facility is in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of §25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulation of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or

the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in Section 25-8 below, to mitigate potential adverse impacts;

- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.



Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting the operation of an Entertainment Establishment on this property, adopted on October 22, 2013 (Ordinance No. 45,291) and all provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

**ATTACHMENTS:**

Exhibit A (4 pages)

Exhibit B (21 pages)

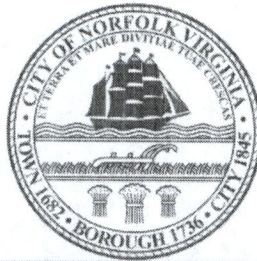


EXHIBIT "A"  
Description of Operations  
Entertainment Establishment  
(Please Print)

Date 1/10/14

Trade name of business Smartmouth Brewing Co.

Address of business 1309 Raleigh Ave. #300 Norfolk 23507

Name(s) of business owner(s)\* see attached

Name(s) of property owner(s)\* Raleigh Commons LLC, James Bayler

Name(s) of business manager(s)/operator(s) see attached

Daytime telephone number ( 757 ) 624-3939 or cell 757 4783836

\*If business or property owner is a partnership, all partners must be listed.

\*If business or property owner is an LLC or Corporation, all principals must be listed.

*Indoor Entertainment  
won't start til 11am  
daily.*

1. Proposed Hours of Operation:

Facility	Alcoholic Beverage Sales and Entertainment
Weekday From <u>7am</u> To <u>2am</u>	Weekday From <u>9am</u> To <u>2am</u>
Friday From <u>7am</u> To <u>2am</u>	Friday From <u>9am</u> To <u>2am</u>
Saturday From <u>7am</u> To <u>2am</u>	Saturday From <u>9am</u> To <u>2am</u>
Sunday From <u>7am</u> To <u>2am</u>	Sunday From <u>9am</u> To <u>2am</u>

*Change made  
by M.A.  
via phone call  
w/Chris Neikirk  
3/5/14*

2. Type of ABC license applied for (check all applicable boxes):

☒ On-Premises

☒ Off-Premises (second application required)

*→ pints*

*→ Kegs + 32oz + 64oz refillable growlers*

3. Type of alcoholic beverage applied for:

☒ Beer

☒ Wine

☒ Mixed Beverage

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

**Exhibit A – Page 2**  
**Entertainment Establishment**

4. Will video games, pool tables, game boards or other types of games be provided?  
Yes (If more than 4, additional application required) ☒ No

4a. If yes, please describe type and number of each game to be provided:

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5. Will patrons ever be charged to enter the establishment?  
Yes ☒ No

5a. If yes, why:

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- 5b. Which days of the week will there be a cover charge (circle all applicable days):

Monday      Tuesday      Wednesday      Thursday      Friday  
Saturday      Sunday

6. Will the facility or a portion of the facility be available for private parties?  
☒ Yes      No

6a. If yes, explain:

non profits, govt agencies, private indiv or  
corp events - non publicized

7. Will a third party (promoter) be permitted to lease, let or use the establishment?  
Yes ☒ No

7a. If yes, explain:

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8. Will there ever be a minimum age limit?  
Yes ☒ No

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**Exhibit A – Page 3**  
**Entertainment Establishment**

9. Additional comments/description/operational characteristics or prior experience:

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Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

  
Signature of Applicant

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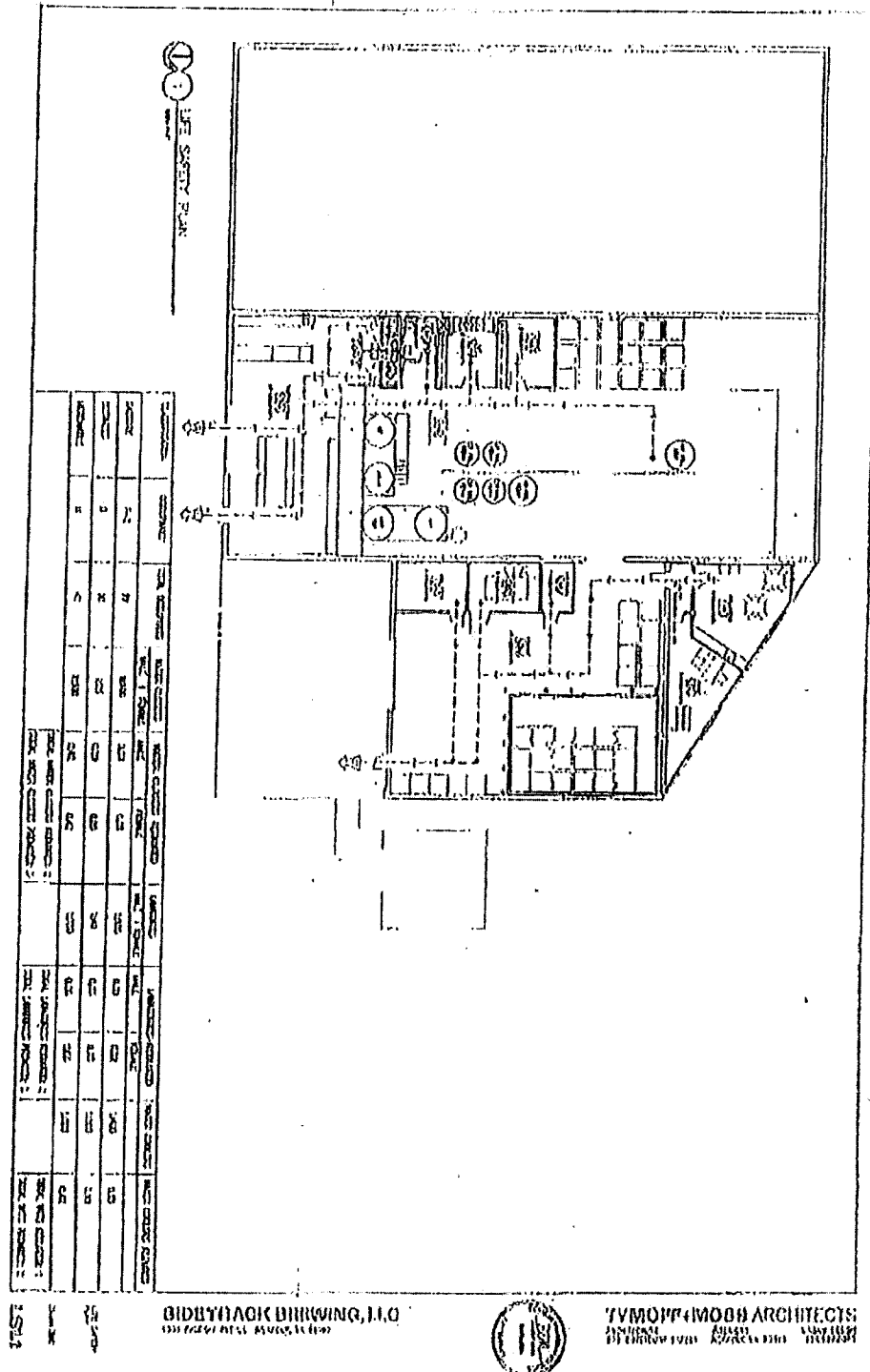


Smartmouth Brewing Co. Owners:

Porter and Kim Hardy  
Christopher Neikirk  
Tim and Kelly Faulkner  
Thomas Minton  
Kramer Investments LLC.  
Chris Burgess  
Evans McMillan  
John Lynch  
Colin Barton  
Russ Danstrom  
Eliza Berkeley  
Clark & Kelly Avery

Smartmouth Brewing Co. Managers:

All above plus:  
Christine Neikirk  
Greg Papp  
Jimmy Loughran  
Jeremy Hartson  
Noel Fernandez  
Kristin Turner  
Paul Hutchings  
Gabbi Piccoli Johnson  
Jenna McWilliams  
Jason Kuller  
Heidi Anderson  
Breanne Ingargiola  
Jennifer Gordon  
Lucas Johnson  
Julia Martin



**BIDETIACK BIRKING, I.I.O.**  
1331 17th St. N.E. ASU, 11-11-77

**TYMOTT+MOON ARCHITECTS**  
 1101 West 19th Avenue, Suite 100  
 Denver, CO 80202-1001  
 Tel: 303.733.1000  
 Fax: 303.733.1001  
 Email: info@tymottmoon.com  
 Website: www.tymottmoon.com

**Exhibit A -- Floor Plan(s) Worksheet  
Entertainment Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

**1. Total capacity**

- a. **Indoor**
  - Number of seats (not including bar seats) 34
  - Number of bar seats
  - Standing room 65
  - Band 5
- b. **Outdoor**
  - Number of seats 40
- c. **Number of employees** 6

**Total Occupancy**  
(Indoor/Outdoor seats, standing room and employees) = 150

**2. Entertainment**

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

5 member live band, Karaoke, comedy, trivia  
or poetry

**3. Will a dance floor be provided?**

☐ Yes ☒ No

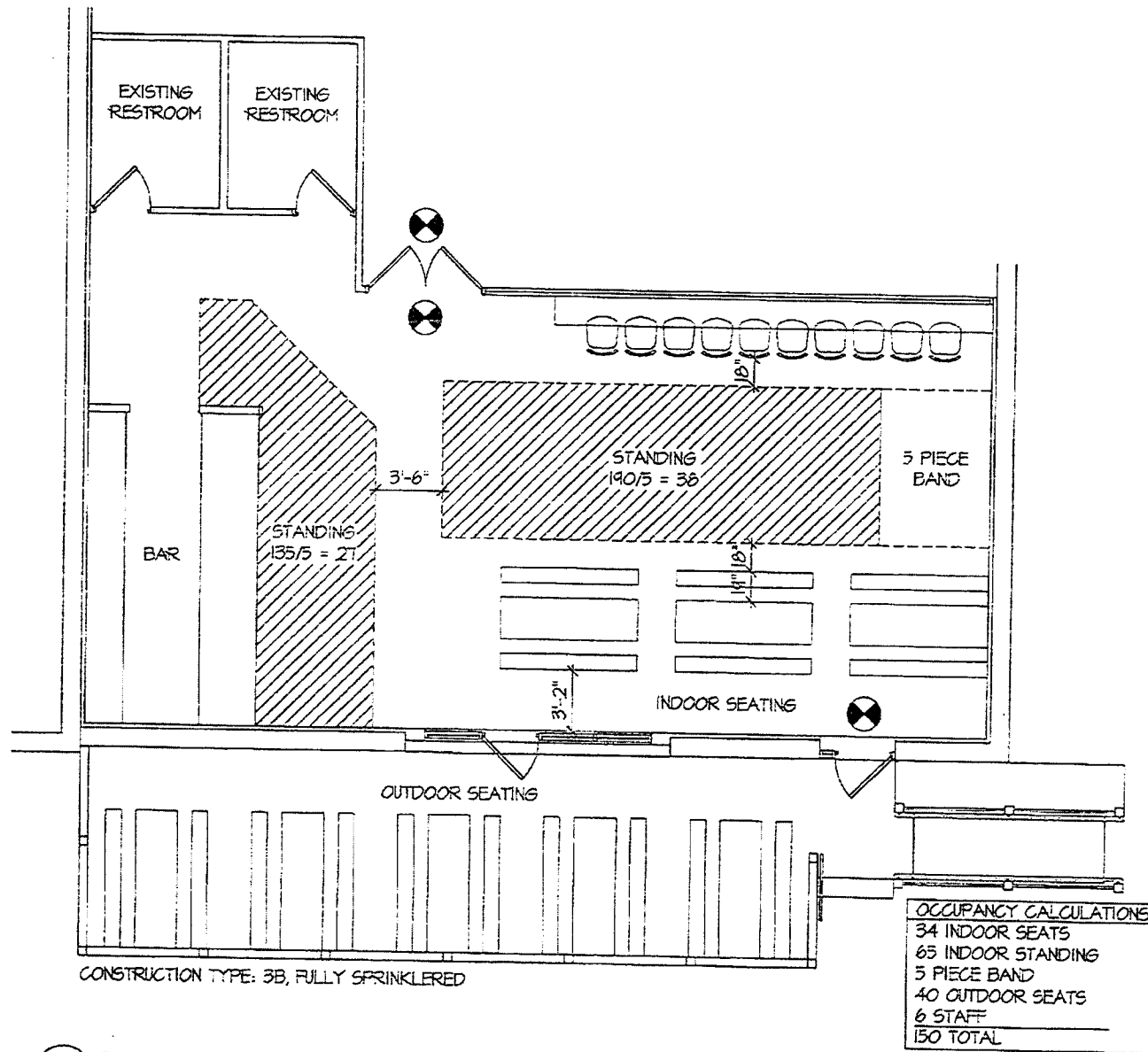
3a. If yes,  
Square footage of establishment \_\_\_\_\_  
Square footage of dance floor \_\_\_\_\_

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

810 Union Street, Room 508  
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569  
(Revised July 2013)



1 SMARTMOUTH BREWING COMPANY; 1309 RALEIGH AVENUE; NORFOLK, VA 23501  
 1/8" = 1'-0"



**Exhibit A – Floor Plan(s) Worksheet**  
**Entertainment Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

**1. Total capacity**

**a. Indoor**

Number of seats (not including bar seats)

42

Number of bar seats

Standing room

65

**b. Outdoor**

Number of seats

Band

32

5

**c. Number of employees**

6

**Total Occupancy**

(Indoor/Outdoor seats, standing room and employees) = 150

**2. Entertainment**

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

5 member live band, Karaoke, Comedy, trivia  
or poetry

outdoor entertainment  
limited till  
4pm - 8pm Mon. - Thurs.  
4pm - 11pm Friday  
11am - 11pm Sat. - Sun.  
M.A.  
3/5/14

**3. Will a dance floor be provided?**

☐ Yes ☒ No

**3a. If yes,**

Square footage of establishment \_\_\_\_\_

Square footage of dance floor \_\_\_\_\_

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

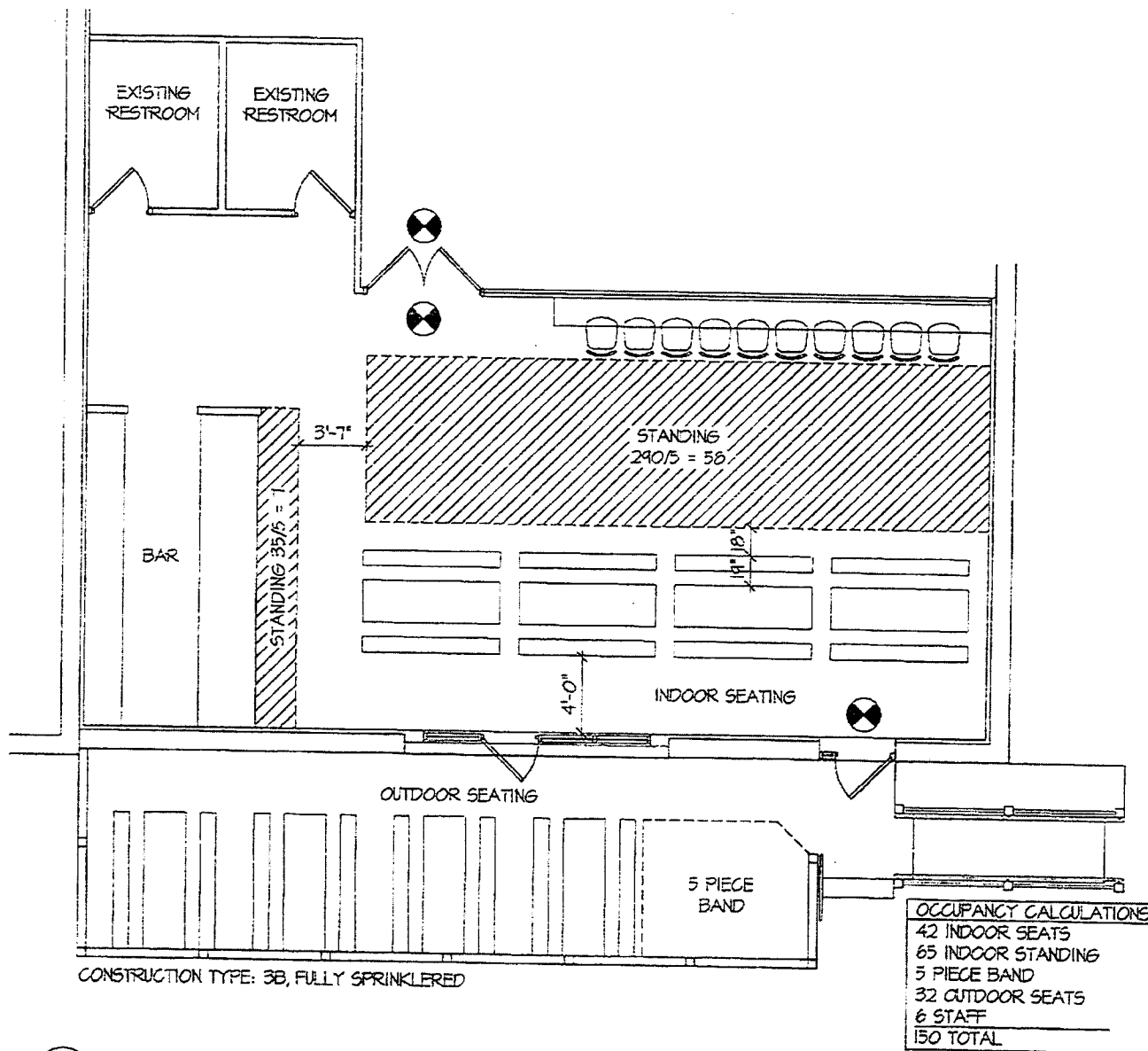
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(Revised July 2013)



2 SMARTMOUTH BREWING COMPANY; 1309 RALEIGH AVENUE; NORFOLK, VA 23507  
 $1/8" = 1'-0"$

**Exhibit A – Floor Plan(s) Worksheet  
Entertainment Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

**1. Total capacity**

**a. Indoor**

Number of seats (not including bar seats)

74

Number of bar seats

23

Standing room

**b. Outdoor**

~~Number of seats~~ Standing

42

~~Band~~

5

**c. Number of employees**

6

**Total Occupancy**

(Indoor/Outdoor seats, standing room and employees) = 150

**2. Entertainment**

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

5 member live band, Karaoke, comedy  
trivia, poetry

Outdoor  
entertainment  
limited to  
4pm - 8pm; Mon - Thurs.  
4pm - 11pm; Friday  
11am - 11pm; Sat. - Sun.

M. S.  
3/5/14

**3. Will a dance floor be provided?**

☐ Yes ☒ No

**3a. If yes,**

Square footage of establishment \_\_\_\_\_

Square footage of dance floor \_\_\_\_\_

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

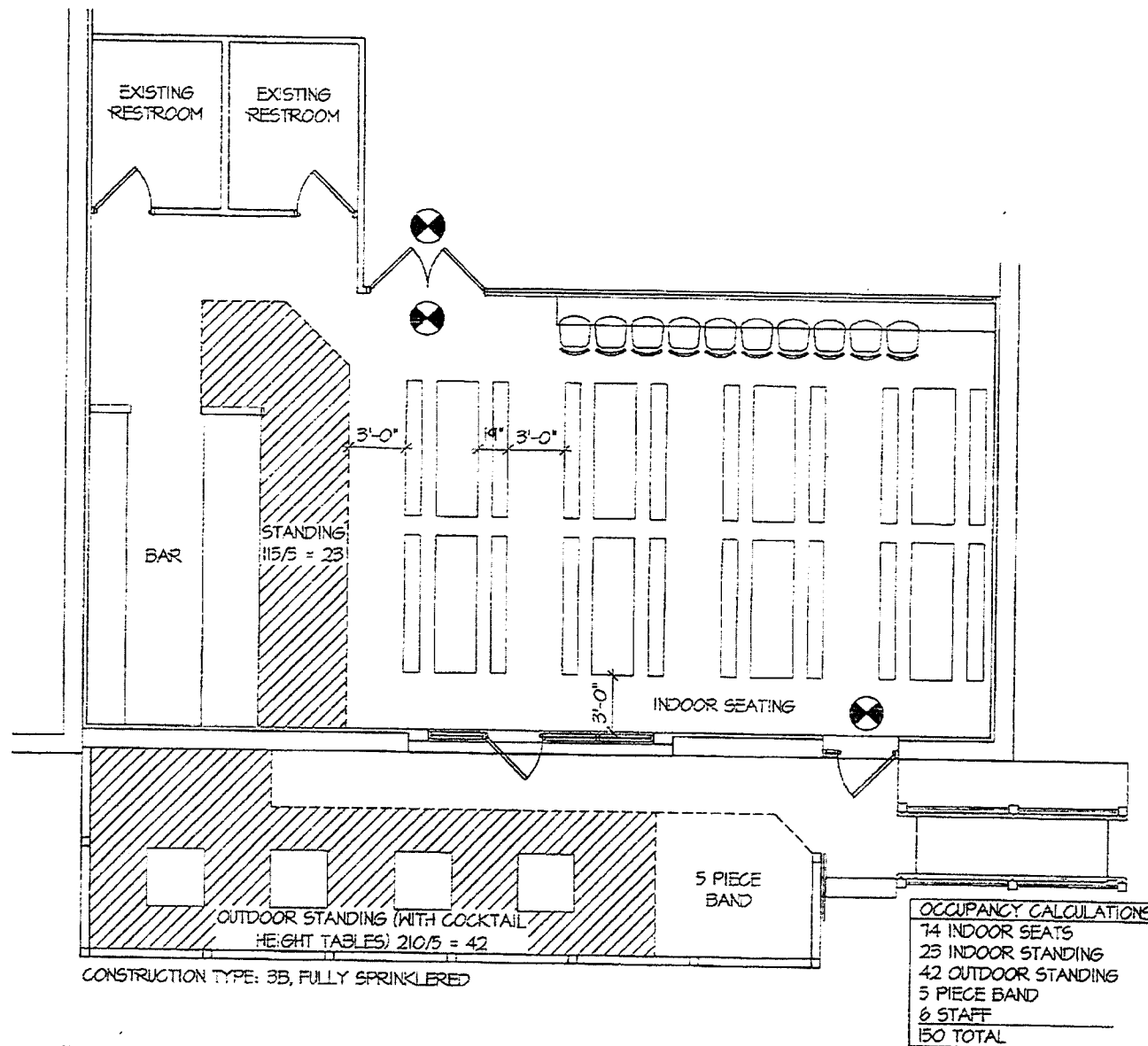
**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)



3 SMARTMOUTH BREWING COMPANY; 1309 RALEIGH AVENUE; NORFOLK, VA 23507  
 1/8" = 1'-0"

**Exhibit A -- Floor Plan(s) Worksheet  
Entertainment Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

**1. Total capacity**

**a. Indoor**

Number of seats (not including bar seats) 42

Number of bar seats

Standing room 53

Band 5

**b. Outdoor**

Number of seats 32

standing 12

**c. Number of employees**

6

**Total Occupancy**

(Indoor/Outdoor seats, standing room and employees) = 150

**2. Entertainment**

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

5 member live band, Karaoke, comedy  
bania or poetry

**3. Will a dance floor be provided?**

☐ Yes ☒ No

**3a. If yes,**

Square footage of establishment \_\_\_\_\_

Square footage of dance floor \_\_\_\_\_

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

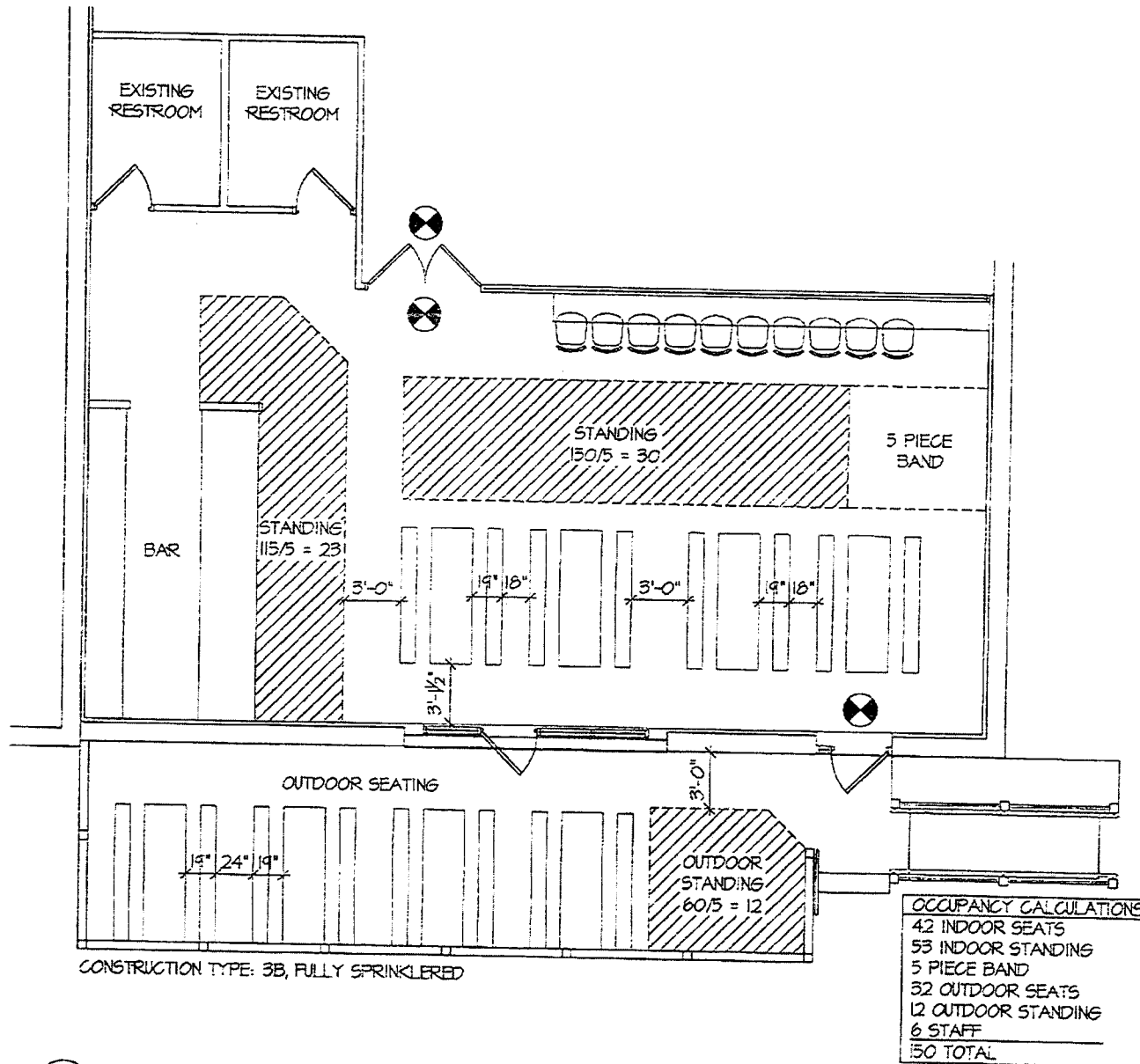
**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

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4

SMARTMOUTH BREWING COMPANY; 1309 RALEIGH AVENUE; NORFOLK, VA 23507

1/8" = 1'-0"

**Exhibit A – Floor Plan(s) Worksheet  
Entertainment Establishment**

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  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

**1. Total capacity**

**a. Indoor**

Number of seats (not including bar seats) 42

Number of bar seats 1

Standing room 104

Musician

**b. Outdoor**

Number of seats 32

Band

**c. Number of employees 6**

**Total Occupancy**

(Indoor/Outdoor seats, standing room and employees) = 150

**2. Entertainment**

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

Single Musician, 5 member live band, karaoke

comedy trivia + poetry

**3. Will a dance floor be provided?**

☐ Yes ☐ No

**3a. If yes,**

Square footage of establishment \_\_\_\_\_

Square footage of dance floor \_\_\_\_\_

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

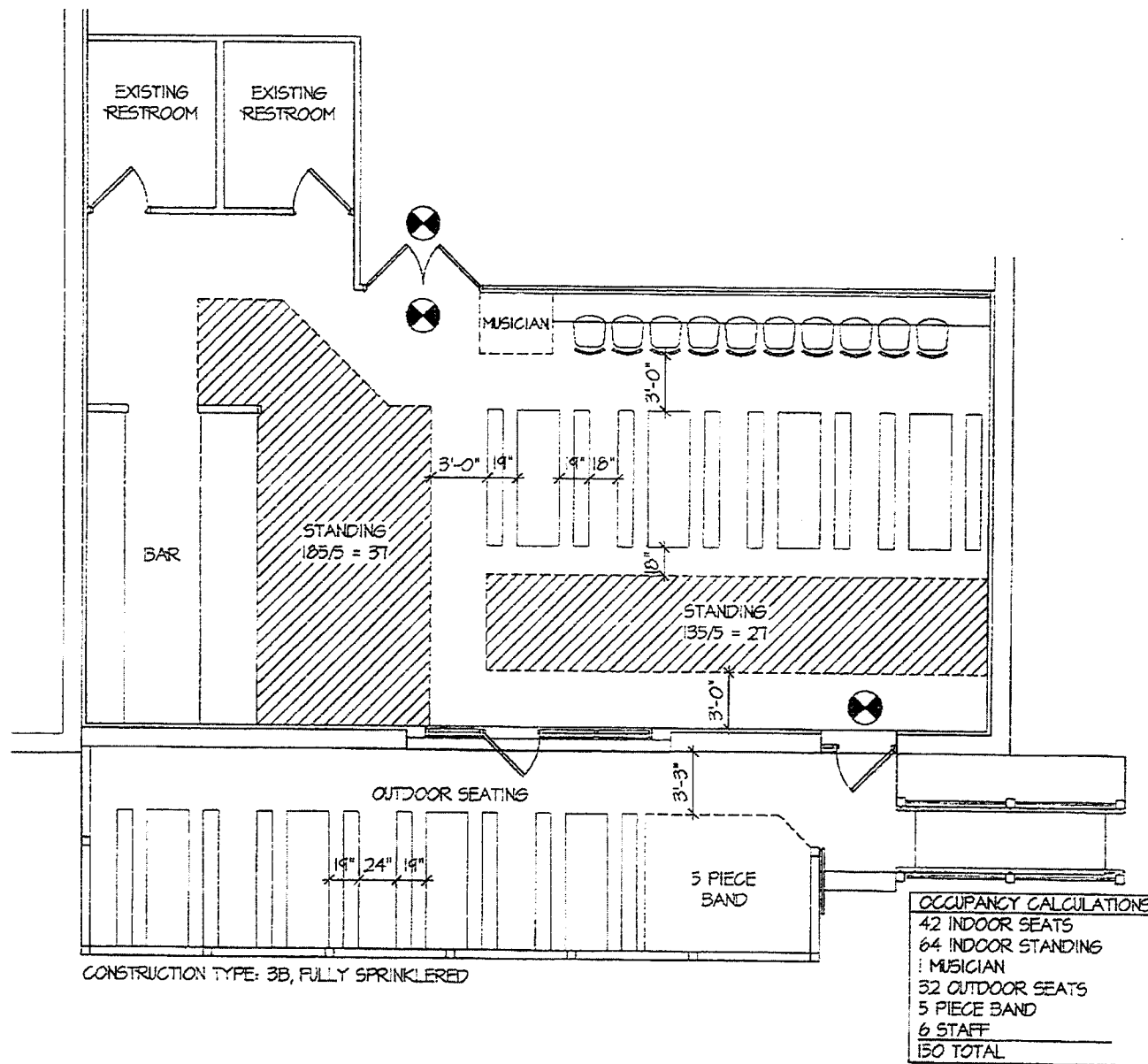
810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

Outdoor  
entertainment  
limited hall  
4pm - 8pm; Mon - Thurs.  
4pm - 11pm; Friday  
11am - 11pm; Sat. - Sun.  
M.S.  
3/5/14



5 SMARTMOUTH BREWING COMPANY; 1309 RALEIGH AVENUE; NORFOLK, VA 23507  
 1/8" = 1'-0"



6

**Exhibit A – Floor Plan(s) Worksheet  
Entertainment Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

**1. Total capacity**

**a. Indoor**

Number of seats (not including bar seats) 58

Number of bar seats 41

Standing room 5

*Band* 5

**b. Outdoor**

Number of seats 16

*standing* 24

**c. Number of employees** 6

**Total Occupancy**

(Indoor/Outdoor seats, standing room and employees) = 150

**2. Entertainment**

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

5 member live band, karaoke, comedy, trivia  
or poetry

**3. Will a dance floor be provided?**

☐ Yes ☒ No

**3a. If yes,**

Square footage of establishment \_\_\_\_\_

Square footage of dance floor \_\_\_\_\_

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

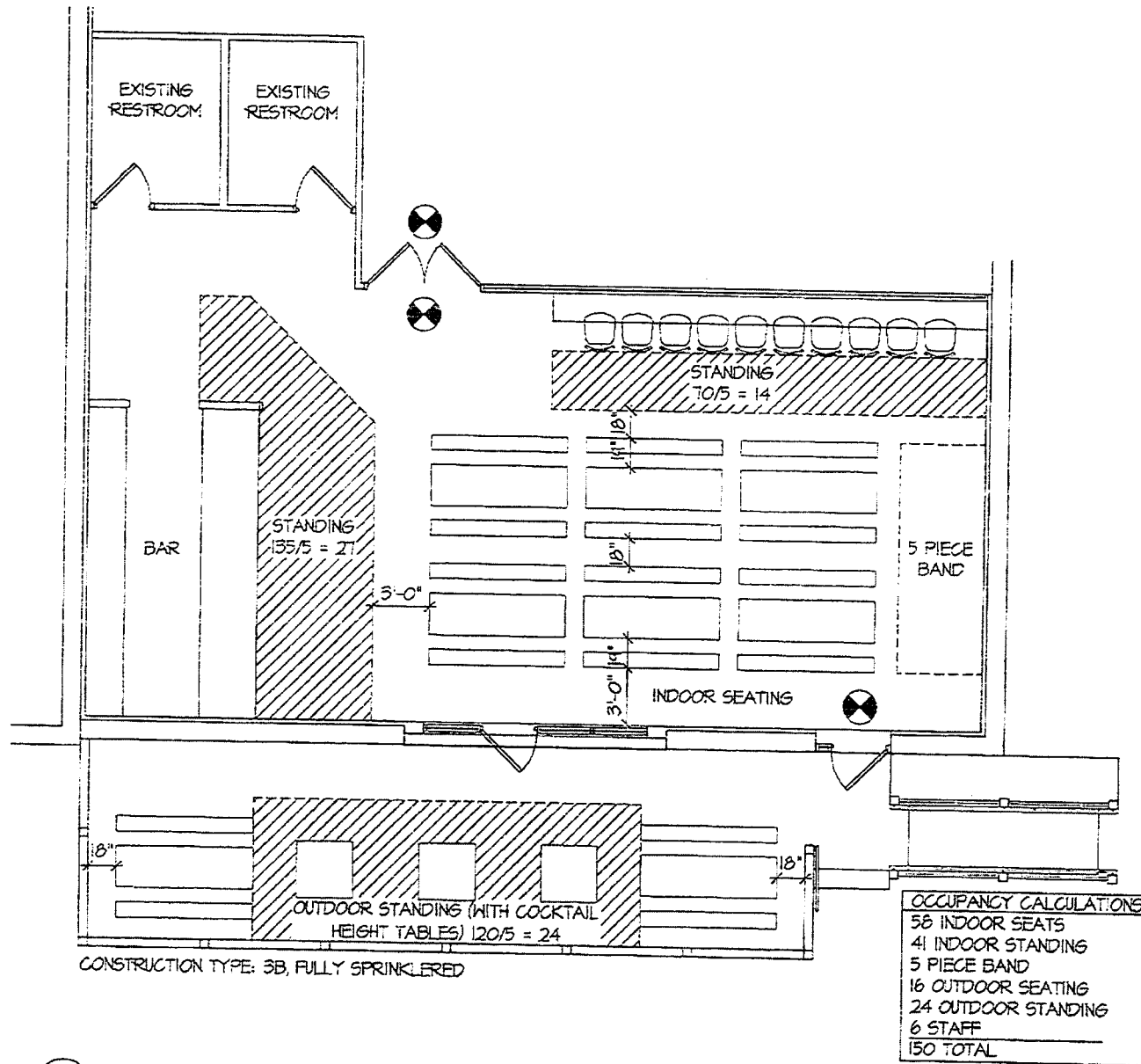
**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

810 Union Street, Room 508

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(Revised July 2013)



6 SMARTMOUTH BREWING COMPANY; 1309 RALEIGH AVENUE; NORFOLK, VA 23507  
 1/8" = 1'-0"

Exhibit A  
Entertainment Establishment  
Floor Plan(s)

#7

1. Seating (Approved floor plan must be attached)

- a. Indoor  
Number of seats 10 Number of bar seats       
(not including bar seats) Number of tables 1  
129 standing 1 unamplified musician  
b. Outdoor  
Number of seats      Number of tables       
c. Number of employees 1

Total Occupancy (Indoor and Outdoor and employees) 147

2. Describe type tables and booth (i.e., rounds of 4, booth seats 6, etc.)

     2-Tops      4-Tops      6-Tops

Other: 1 drink cart w/ 10 stools

3. Will indoor or outdoor entertainment be provided?

(Entertainment consists of anything more than one, unamplified musician)

☒ Yes

☐ No

4a. If yes, describe in detail:

live music, comedy, trivia  
poetry, Karaoke

4. Will a dance floor be provided?

Yes

☒ No

4a. If yes, square footage of establishment       
square footage of dance floor     

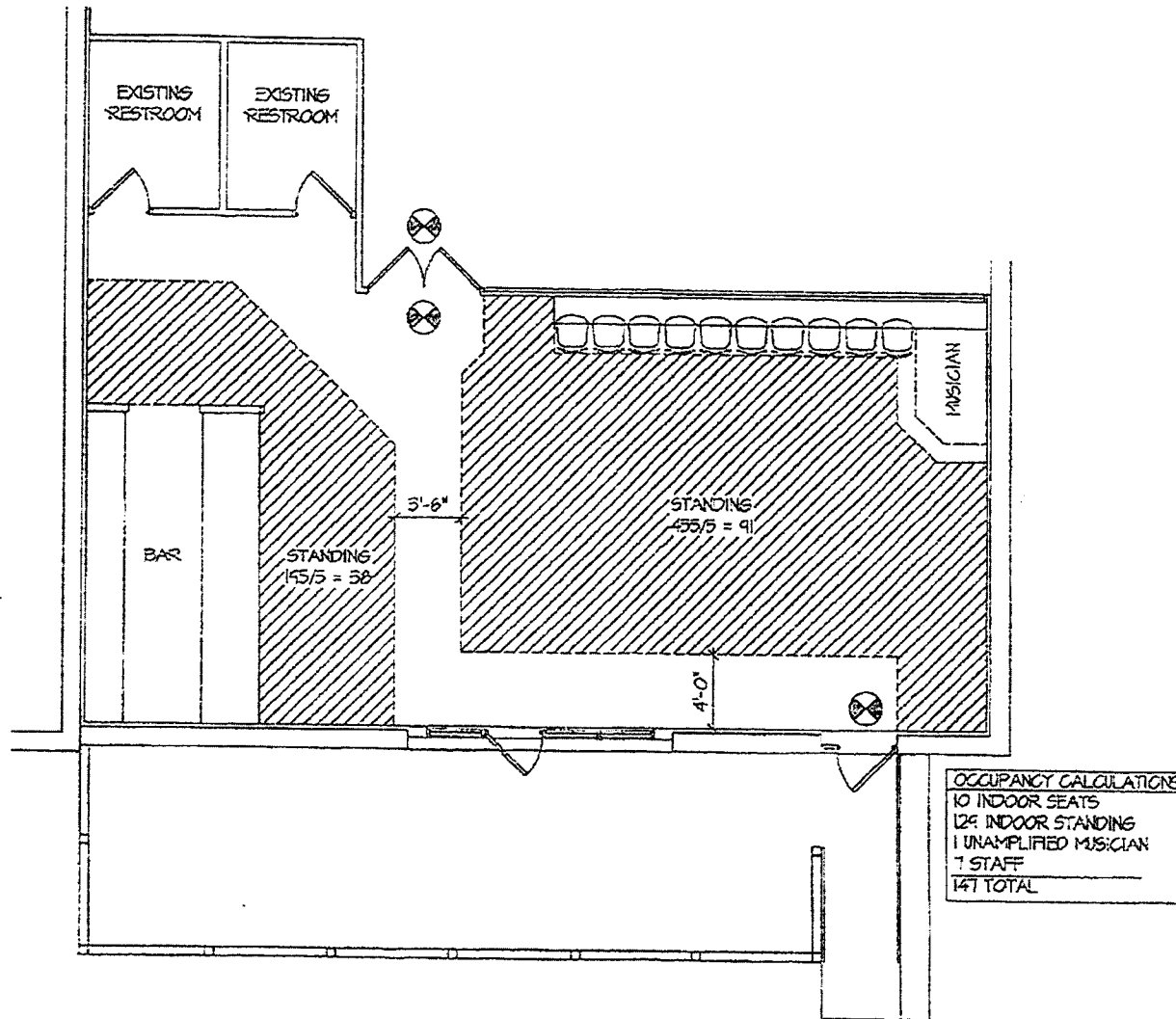
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508


Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

3/15/2013 3:40 PM



OCCUPANCY CALCULATIONS	
10 INDOOR SEATS	
129 INDOOR STANDING	
1 UNAMPLIFIED MUSICIAN	
7 STAFF	
147 TOTAL	


 SMARTMOUTH BREWING COMPANY; 1309 RALEIGH AVENUE, NORFOLK, VA 23501  
 1/8" = 1'-0"

#7

Exhibit A  
Entertainment Establishment  
Floor Plan(s)

~~Friday~~  
Friday  
+ Saturdays } only  
+ Sunday }  
#8

1. Seating (Approved floor plan must be attached)

a. Indoor

Number of seats \_\_\_\_\_  
(not including bar seats)

Number of bar seats \_\_\_\_\_  
Number of tables \_\_\_\_\_

b. Outdoor

Number of seats \_\_\_\_\_  
140 standing

Number of tables \_\_\_\_\_

5 musicians

c. Number of employees 5

Total Occupancy (Indoor and Outdoor and employees) 150

2. Describe type tables and booth (i.e., rounds of 4, booth seats 6, etc.)

\_\_\_\_\_ 2-Tops \_\_\_\_\_ 4-Tops \_\_\_\_\_ 6-Tops

Other: \_\_\_\_\_

3. Will indoor or outdoor entertainment be provided?

(Entertainment consists of anything more than one, unamplified musician)

☒ Yes ☐ No

4a. If yes, describe in detail:

5 piece band, amplified, trivia, comedy  
poetry Karaoke

4. Will a dance floor be provided?

Yes ☒ No

4a. If yes, square footage of establishment \_\_\_\_\_  
square footage of dance floor \_\_\_\_\_

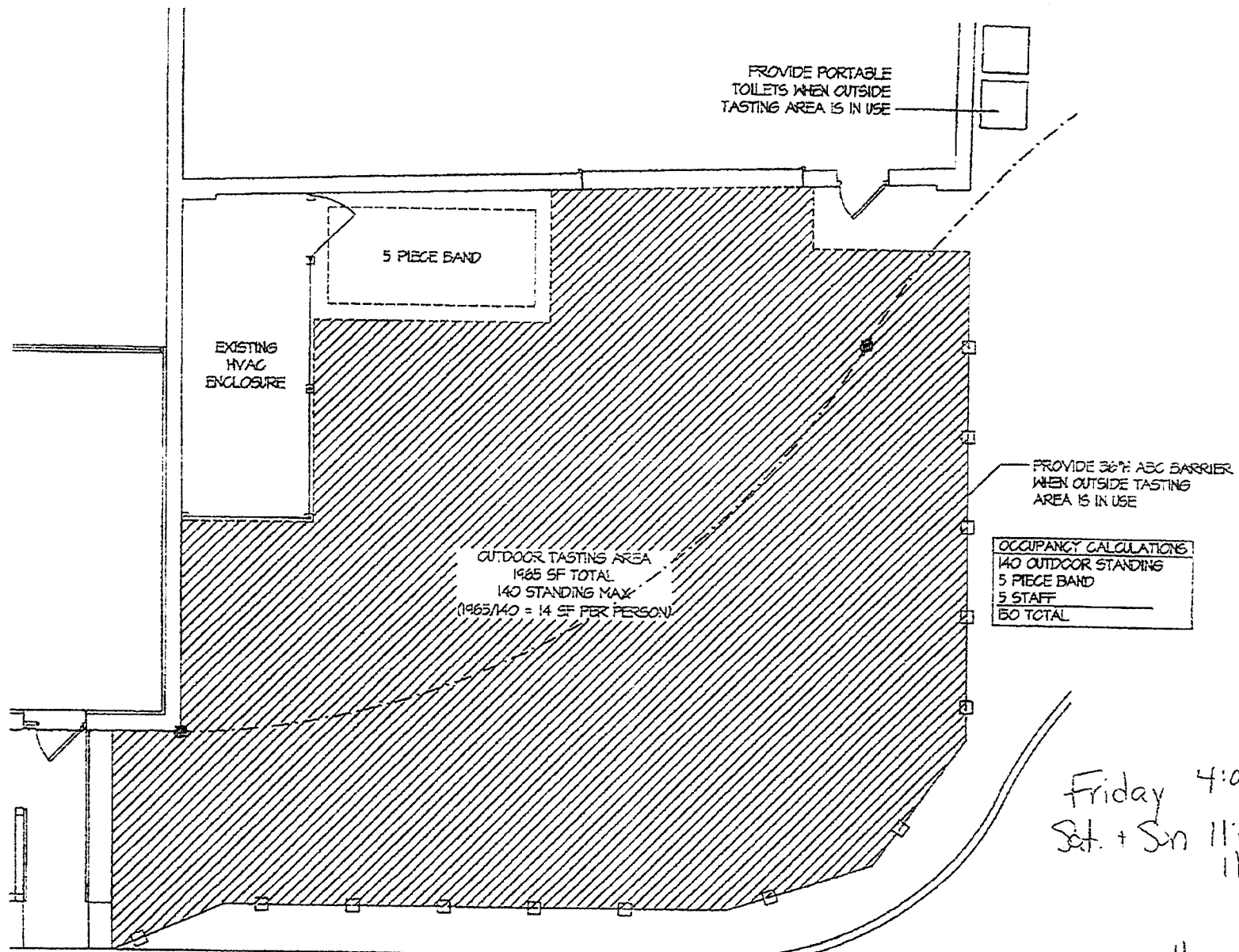
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510


Telephone (757) 664-4752 Fax (757) 441-1569

3/15/2013 3:40 PM



OCCUPANCY CALCULATIONS	
140	OUTDOOR STANDING
5	PIECE BAND
5	STAFF
150	TOTAL

Friday 4:00pm - 11:00pm  
 Sat. + Sun 11:00 am - 11:00 pm

 SMARTMOUTH BREWING COMPANY; 1309 RALEIGH AVENUE, NORFOLK, VA 23507  
 OUTDOOR TASTING AREA USED 5 TIMES MONTHLY IN CONJUNCTION WITH LAYOUTS 1-49

1/8" = 1'-0"

#  
 06

Exhibit A  
Entertainment Establishment  
Floor Plan(s)

Friday  
Saturday only  
+ Sunday  
#9

1. Seating (Approved floor plan must be attached)

a. Indoor  
Number of seats        Number of bar seats         
(not including bar seats) Number of tables       

b. Outdoor  
Number of seats 36 Number of tables 6  
104 standing 5 musicians

c. Number of employees 5

Total Occupancy (Indoor and Outdoor and employees) 150

2. Describe type tables and booth (i.e., rounds of 4, booth seats 6, etc.)

       2-Tops        4-Tops 6 6 Tops

Other:       

3. Will indoor or outdoor entertainment be provided?

(Entertainment consists of anything more than one, unamplified musician)

☒ Yes ☐ No

4a. If yes, describe in detail:

5 piece band, amplified, trivia  
poetry, karaoke, comedy

4. Will a dance floor be provided?

Yes ☐ No ☒

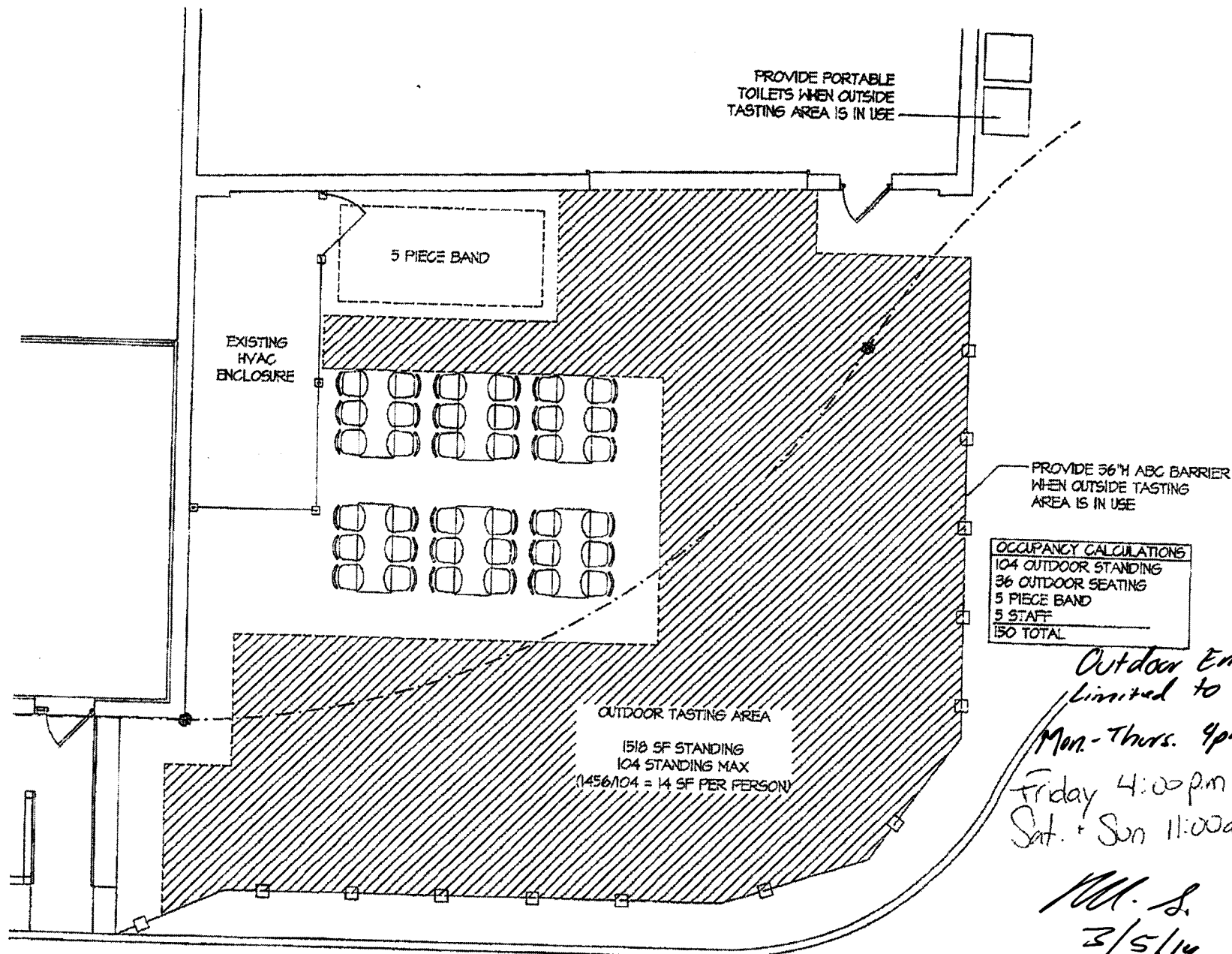
4a. If yes, square footage of establishment         
square footage of dance floor       

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569



*Outdoor Entertainment  
Limited to  
Mon.-Thurs. 4pm - 8pm  
Friday 4:00pm to 11:00pm  
Sat. + Sun 11:00am to 11:00pm*

*M. S.  
3/5/14*

SMARTMOUTH BREWING COMPANY, 1309 RALEIGH AVENUE, NORFOLK, VA 23507  
OUTDOOR TASTING AREA USED 5 TIMES MONTHLY IN CONJUNCTION WITH LAYOUTS 1-19  
1/8" = 1'-0"

#9



Friday  
Saturday  
Sunday only  
#10

Exhibit A  
Entertainment Establishment  
Floor Plan(s)

1. Seating (Approved floor plan must be attached)

- a. Indoor  
Number of seats 10  
(not including bar seats)  
standing 131  
Number of bar seats ---  
Number of tables 1  
Musicians 1
- b. Outdoor  
Number of seats 34  
standing 103  
Number of tables 11  
Musicians 5
- c. Number of employees 15 total (8 indoor, 7 outdoor)

Total Occupancy (Indoor and Outdoor and employees) 299

2. Describe type tables and booth (i.e., rounds of 4, booth seats 6, etc.)

5 2-Tops 6 4-Tops --- 6 Tops  
outdoor outdoor

Other: 10 bar stools @ drink rail (indoor seats)

3. Will indoor or outdoor entertainment be provided?  
(Entertainment consists of anything more than one, unamplified musician)

(Yes) No

4a. If yes, describe in detail:

5 piece band, amplified

4. Will a dance floor be provided?

Yes (No)

4a. If yes, square footage of establishment \_\_\_\_\_  
square footage of dance floor \_\_\_\_\_

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT  
810 Union Street, Room 508  
Norfolk, Virginia 23510  
Telephone (757) 664-4752 Fax (757) 441-1509

CW  
4/22/13





# Location Map



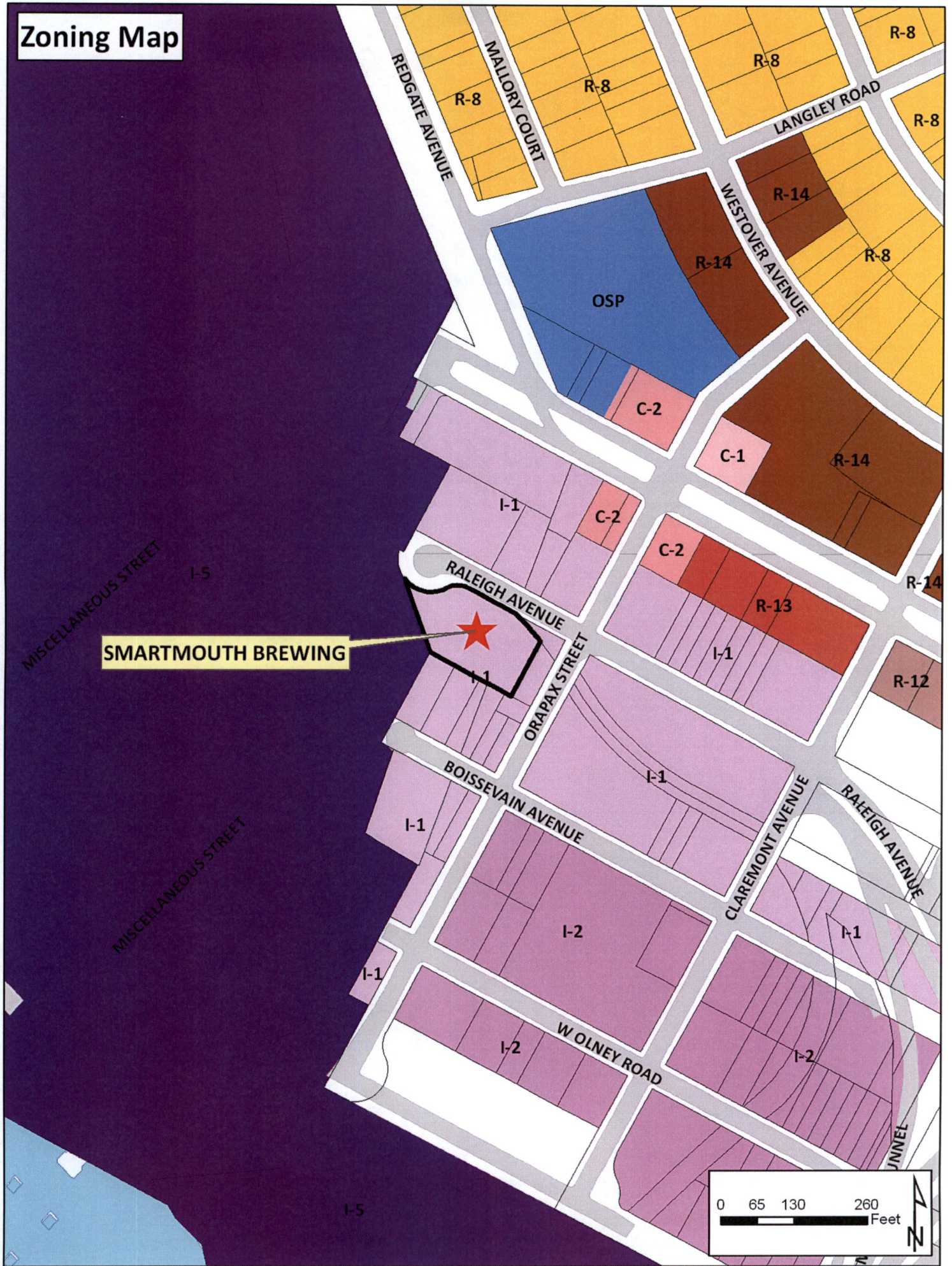
SMARTMOUTH BREWING

0 12.5 25 50  
Feet

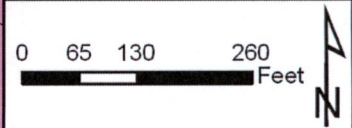




# Zoning Map

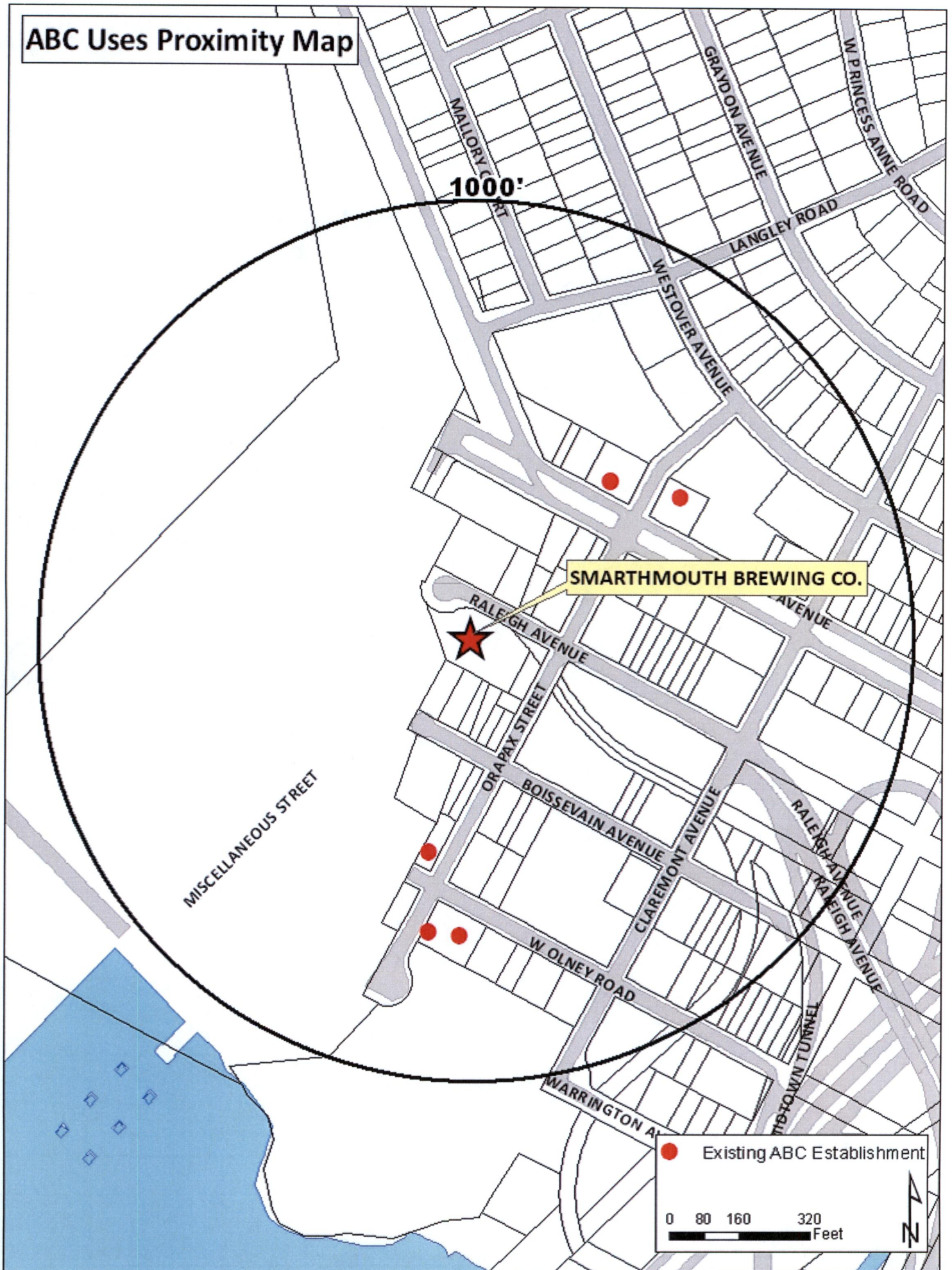


SMARTMOUTH BREWING





# ABC Uses Proximity Map







APPLICATION  
ADULT USE SPECIAL EXCEPTION  
ENTERTAINMENT ESTABLISHMENT  
(Please Print)

Date ~~1/10/14~~ 1/10/14

**DESCRIPTION OF PROPERTY**

Address 1309 Raleigh Ave. #300 Norfolk VA 23507

Existing Use of Property Smartmouth Brewing Co.

Proposed Use Smartmouth Brewing Co.

Current Building Square Footage 9.000

Proposed Building Square Footage 9.000

Trade Name of Business (If applicable) Smartmouth Brewing Co.

**APPLICANT/ PROPERTY OWNER**

1. Name of applicant (Last) Nekirk (First) Christine (MI) G.

Mailing address of applicant (Street/P.O. Box) 1309 Raleigh Ave #300

(City) Norfolk (State) VA (Zip Code) 23507

Daytime telephone number of applicant (757) 4783836 Fax number ( )

E-mail address of applicant shechris@smartmouthbrewing.com

2. Name of property owner (Last) Baylor (First) James (MI) E

Mailing address of property owner (Street/P.O. box) 248 Buk St. #200

(City) Norfolk (State) VA (Zip Code) 23507

Daytime telephone number of owner (757) 6227555 Fax number (757) 625 6831

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)







# City of NORFOLK

March 6, 2014

West Ghent Civic League  
Eric Lowe, MD  
P.O. Box 11526  
Norfolk, VA 23517

Dear Dr. Lowe:

The Planning Department has received an application for an amendment to a previously granted Special Exception to operate an Entertainment Establishment with alcoholic beverages.

This item is tentatively scheduled for the March 27, 2014 City Planning Commission public hearing.

## Summary

The request, if approved, would allow, Smartmouth Brewery, to add new managers, expand seating, expand operating days for outdoor entertainment and expand starting hours for on-premises alcohol sales.

	Current	Proposed
Hours of Operation (brewery on-site)	7:00 a.m. until 2:00 a.m., seven days a week	Same
Hours for the Sale of Alcohol (on-premises sales)	11:00 a.m. until 2:00 a.m., seven days a week	9:00 a.m. until 2:00 a.m., seven days a week
Hours for Entertainment (Indoors)	11:00 a.m. until 2:00 a.m., seven days a week	Same
Hours for Entertainment (Outdoors)	4:00 p.m. until 11:00 p.m., Friday 11:00 a.m. until 11:00 p.m., Saturday and Sunday	4:00 p.m. until 8:00 p.m., Monday through Thursday 4:00 p.m. until 11:00 p.m., Friday 11:00 a.m. until 11:00 p.m., Saturday and Sunday
Seating Capacity	40 seats indoor 70 seats outdoor 299 total capacity	74 seats indoor 76 seats outdoor 299 total capacity
Entertainment	<ul style="list-style-type: none"><li>• 5 member live band</li><li>• Karaoke</li><li>• Open Microphone</li><li>• Poetry Reading</li><li>• Comedian</li></ul>	Same



If you would like additional information on the requests, you may contact the applicant, Christine Neikirk, at (757) 478-3836 or you may telephone Matthew Simons at (757) 664-4750. A copy of the complete application is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Homewood', with a long horizontal line extending to the right.

George M. Homewood, AICP, CFM  
Planning Director

cc: Vanessa Seals, Neighborhood Development Specialist  
[vanessa.seals@norfolk.gov](mailto:vanessa.seals@norfolk.gov)



# City of NORFOLK

March 6, 2014

Chelsea Business Association  
Malia Paasch  
1301 Redgate Avenue  
Norfolk, VA 23507

Dear Ms. Paasch:

The Planning Department has received an application for an amendment to a previously granted Special Exception to operate an Entertainment Establishment with alcoholic beverages.

This item is tentatively scheduled for the March 27, 2014 City Planning Commission public hearing.

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Entertainment	<ul style="list-style-type: none"><li>• 5 member live band</li><li>• Karaoke</li><li>• Open Microphone</li><li>• Poetry Reading</li><li>• Comedian</li></ul>	Same

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Sincerely,

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Planning Director

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[vanessa.seals@norfolk.gov](mailto:vanessa.seals@norfolk.gov)